

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action dated October 1, 2004. With the addition of Claims 3-13, Claims 1-13 are presented herewith for consideration.

### Replacement Drawing Sheet

Filed herewith is a corrected drawing sheet Figs. 11A-C. It is respectfully requested that the replacement drawing sheet be substituted for the originally filed drawing sheet for Figs. 11A-C. An annotated sheet showing the changes in red is also filed herewith.

### Rejection of Claims 1 and 2 Under 35 U.S.C. §102(b)

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,782,801 (“Ficht”). Applicant respectfully traverses the rejection as follows.

In rejecting Claims 1 and 2, the Examiner has merely repeated all the claim elements and said they are found in Ficht, without in fact pointing specifically where in Ficht the recited claim elements are found. In fact, Ficht nowhere discloses, teaches or suggest several express claim limitations. For example:

- Ficht has no disclosure, teaching or suggestion of a spherical rotary engine valve assembly including “a valve . . . having a spherical shape with an opening . . . , the opening having a shaped surface including a convex portion and a concave portion” as recited in Claim 1.
- Ficht has no disclosure, teaching or suggestion of a spherical rotary engine valve assembly including “a seal having a first and second rings. . . , a force exerted on a portion of said first ring causing a force between said second ring and said valve outer surface” as recited in Claim 1.
- Ficht has no disclosure, teaching or suggestion of a spherical rotary engine valve assembly including “a contoured piston head . . . , said contoured piston head having a first concave section generally conforming to a shape of said valve, and a second concave section having a deeper recess than said first concave section” as recited in Claim 1.
- Ficht has no disclosure, teaching or suggestion of a spherical rotary engine valve assembly including “a valve housing . . . including a trench for preventing a flow of gas in a direction within said gap” as recited in Claim 2.

It is axiomatic that for a cited reference to anticipate a patent claim, each and every limitation recited in the claim must be disclosed entirely within the reference. *Rockwell Intern. Corp. v. U.S.*, 147 F.3d 1358, 1363 (Fed. Cir. 1998). Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on §102. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983). As the cited reference fails to disclose any of the above-discussed features, Ficht cannot anticipate the invention recited in Claims 1-2. It is therefore respectfully requested that the rejection of Claims 1-2 on the stated grounds be withdrawn.

If the Examiner maintains the rejection on the stated grounds, it is respectfully requested that the Examiner specifically point out where each of the above-identified express claim limitations are found in the Ficht.

New Claims

Applicant has added new Claims 3-13. Claims 3-13 are nowhere disclosed, taught or suggested in the cited reference. No new matter has been added.

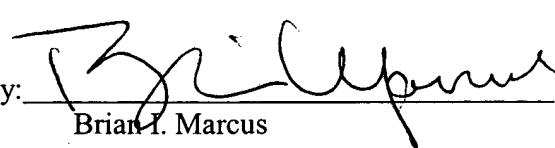
Based on the above amendments and these remarks, reconsideration of Claims 1-2, and consideration of Claims 3-13, is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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ANNOTATED SHEET SHOWING CHANGES

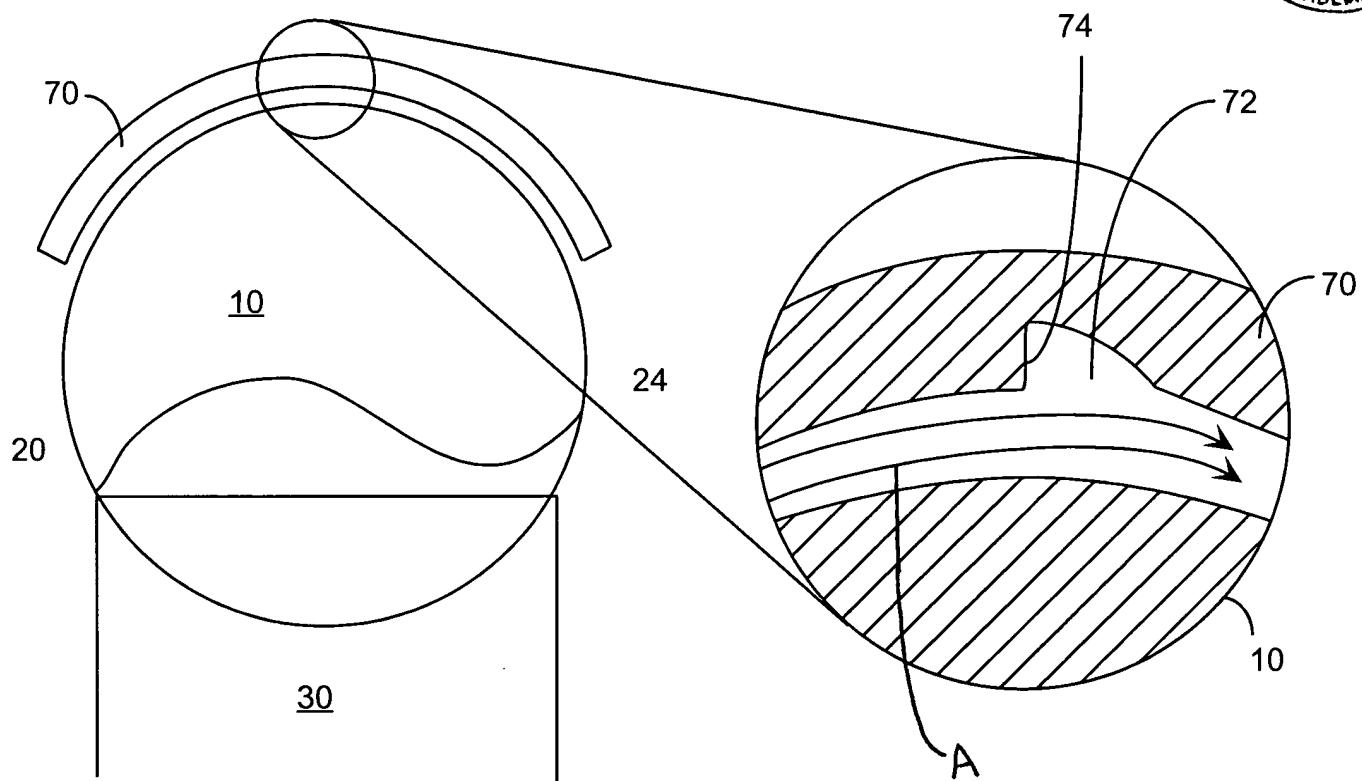


Fig. 11A

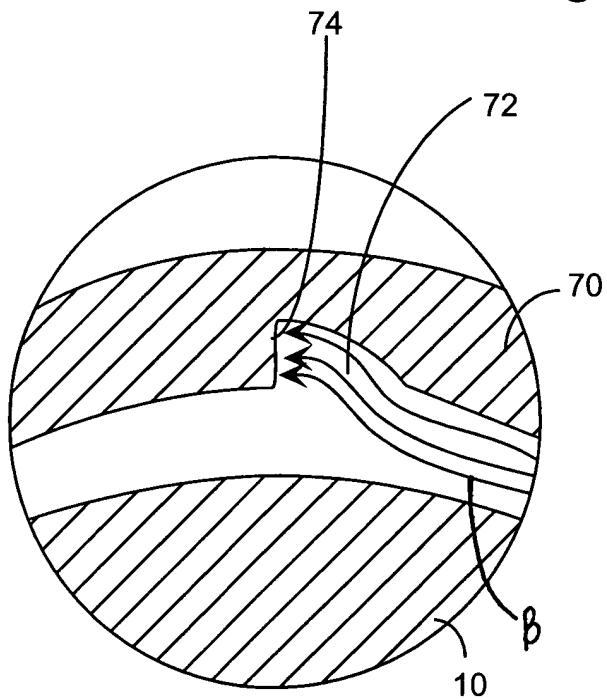


Fig. 11B

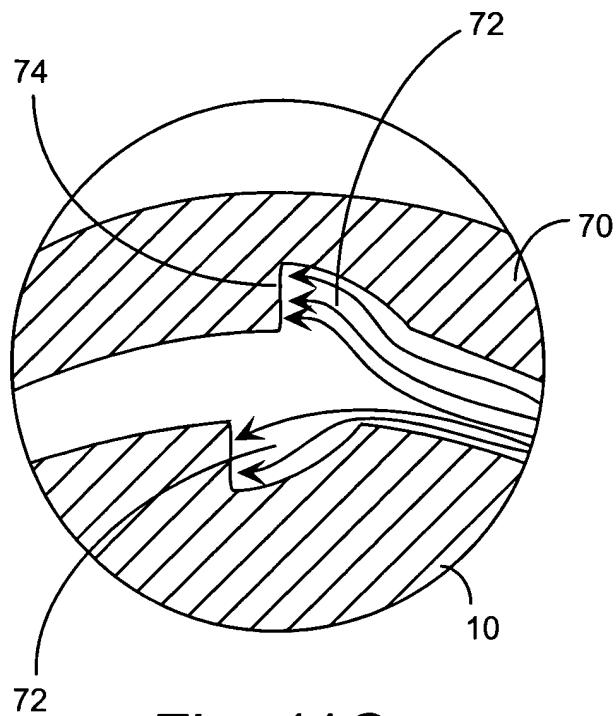


Fig. 11C